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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177708
Party	Defendant Acronis Inc.
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Submission	Answer
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Date	08/15/2007
Attachments	2282.0250000 Answer to Opposition.pdf ( 3 pages )(93808 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Network Appliance, Inc.

Opposer

v.

Acronis Inc.

Applicant

Opposition No. 91177708

**Answer to Notice of Opposition**

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on August 15, 2005  
/GB/ George S. Bardmesser

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

ATTN: BOX TTAB FEE

Dear Sir or Madam:

Applicant, Acronis Inc., hereby answers the Notice of Opposition filed against its applications for the SNAP RESTORE trademark (Serial No. 78/311,858) and the ACRONIS SNAP RESTORE trademark (Serial No. 78/894,811) by Network Appliance, Inc. ("Opposer").

1. Applicant lacks sufficient information or knowledge to form a belief as to the truth or falsity of the allegations set forth in Paragraph 1 of the Notice of Opposition and therefore denies the allegations of this paragraph.

2. Applicant lacks sufficient information or knowledge to form a belief as to the truth or falsity of the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore denies the allegations of this paragraph.
3. Applicant lacks sufficient information or knowledge to form a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Notice of Opposition and therefore denies the allegations of this paragraph, except to admit that an attached referred to as Exhibit A is attached to the Notice of Opposition.
4. Applicant lacks sufficient information or knowledge to form a belief as to the truth or falsity of the allegations set forth in Paragraph 4 of the Notice of Opposition and therefore denies the allegations of this paragraph, except that Applicant admits that there are various attachments appended to the Notice of Opposition that purport to relate to various trademark registrations allegedly owned by Opposer.
5. Applicant denies the allegations Paragraph 5 to the extent they imply that Applicant's name is Acronis, Inc., rather than Acronis Inc. Applicant denies all remaining allegations, except to admit that Applicant filed the SNAP RESTORE and ACRONIS SNAP RESTORE applications with the identified serial numbers and identifications of goods.
6. Applicant denies the allegations of Paragraph 6.
7. Applicant denies the allegations of Paragraph 7, except to admit the last two sentences of Paragraph 7.
8. Applicant denies the allegations of Paragraph 8.

### **AFFIRMATIVE DEFENSES**

Applicant hereby asserts the following affirmative defenses:

#### **First Affirmative Defense**

Opposer is not entitled to maintain this Opposition because there is no likelihood of confusion between Applicant's SNAP SERVER and ACRONIS SNAP RESTORE marks and any of the marks asserted by Opposer. In particular, the mark ACRONIS SNAP RESTORE is dissimilar in appearance and sound. In addition, Opposer's goods and Applicant's goods are

not confusingly similar. Furthermore, Opposer's and Applicant's customers are highly sophisticated and are unlikely to be confused. Hence, no likelihood of confusion exists.

The Assistant Commissioner is authorized to charge any required fees to our Deposit Account No. 50-3523.

Respectfully submitted,

BARDMESSER LAW GROUP

/GB/

George S. Bardmesser  
Attorney for Applicant, Acronis Inc.

Date: August 15, 2007

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